

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

MAR 21 2011

JULIA G. DEWEY, CLERK
BY:  DEPUTY CLERK

LEVI SPRINGER,)	Civil Action No. 7:10cv00256
Plaintiff,)	
)	ORDER
v.)	
)	By: Samuel G. Wilson
OFFICER M. DEEL, <u>et al.</u> ,)	United States District Judge
Defendants.)	

In accordance with the memorandum opinion entered this day, it is hereby **ORDERED** that defendants' motion for summary judgment (Docket No. 24) is **GRANTED IN PART** and **DENIED IN PART**. Defendants' motion for summary judgment is granted as to defendants Sgt. Adams, Warden Ray, Sgt. Smith, Officer Phillips, and Officer Talor. The clerk is **DIRECTED** to **TERMINATE** Sgt. Adams, Warden Ray, Sgt. Smith, Officer Phillips, and Officer Talor as defendants in this action. Defendants' motion for summary judgment is denied as to Officer Hurley, Officer Deel, and Officer Collins. Springer's claims against Officer Hurley, Officer Deel, and Officer Collins will be set for a jury trial by separate order.

Further, the court construes Springer's motions (Docket Nos. 34 and 35) as motions for default judgment against Officer Collins, Officer Taylor, and Officer Phillips arguing that they failed to file a timely motion for summary judgment. However, the record reflects that they timely filed their motion for summary on August 24, 2010. Therefore, Springer's motions are **DENIED**.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to the parties.

ENTER: This 21st day of March, 2011.


United States District Judge